THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 9th day of February,2007

W.P.No.25101 of 2006

Between:-

M. Sivaiah & another ...
Petitioners

and

The Commissioner of Endowments
Department, Andhra Pradesh,
Hyderabad and others ...
Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.25101 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings of the 2nd respondent dated 8-11-2006 and the action of the respondents in not continuing the regular Barbers to do barber service as arbitrary and illegal and consequently to direct the respondents to continue the barbers shown in the list submitted by the Agent to work on regular basis on payment of 50% of share in ticket value or appoint the petitioners on regular basis.

The Writ Petition is filed by two individuals claiming to be barbers working under an agent, namely, M.Mallaiah on regular basis on payment of 50% share in ticket value. It appears, under the impugned Proceedings, the services of the agent have been dispensed with. Now, it is the contention of the petitioners that in view of dispensing with the agency system, their services are not being utilized as barbers by the respondent-Devasthanam; therefore, the impugned proceedings are illegal. If the agency in favour of Mallaiah is not restored, they would suffer irreparable loss and injury and ultimately they would not be permitted to do barber service and earn their livelihood.

A detailed counter affidavit has been filed by respondents 2 and 3 denying the allegations made by the petitioners. It is asserted that when Mallaiah had not paid the commission to the petitioners and others, they have

complained the same to the authorities. Therefore, in the interests of pilgrims and barbers actually working at Kalyana Katta, a decision was taken to pay a sum of Rs.1.50 for each person, directly to the barbers for the purpose of distributing among them and enhancing the rate of each ticket from Rs.5/- to R.6/-, while cancelling the agency in favour of Mallaiah. Therefore, the petitioners have no right to challenge the Proceedings dated 8-11-2006 issued by the 2nd respondent.

The only grievance of the petitioner is that they were working under the agent Mallaiah and when the agency system was dispensed with, they ought to have been allowed to do barber service, which is their only livelihood, in the respondent-Devasthanam; but such a course of action was not adopted by the respondents.

Heard both sides.

From the facts narrated above, it is clear that it is not denied by the respondents that the petitioners were the workers engaged by Mallaiah, except saying that they were not doing barber service and they were doing something else while working under Mallaiah. Once it is not denied that the petitioners were engaged by Malllaiah, it is obligatory on the part of the respondents for engaging their services as barbers in the Devasthanam, since it is asserted in the counter that after dispensing with the agency system, all the barbers working under the agent were identified and they have been engaged for the purpose of barber service. Therefore, I deem it appropriate to direct the respondents to consider the case of the petitioners for

engaging them as barbers for doing service in Kalyana Katta of the Devasthanam, since they were engaged by Mallaiah, the erstwhile agent.

With the above direction, the Writ Petition is disposed of. No order as to costs.

09-2-2007

prk